IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 986 of 2007(V)

CMP.327/2007 of JUDL. MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM

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PETITIONER/ACCUSED:

VASU, S/O. DAMODARAN,
AGED 57/07, PADINJAREKARA VEEDU, INCHATHOTTY KARA,
KUTTEMPUZHA VILLAGE, KOTHAMANGALAM TALUK.

BY ADV. SRI.A.P.SUBHASH

RESPONDENT/ COMPLAINANT:

EXCISE INSPECTOR, KOTHAMANGALAM,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 986 OF 2007

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DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.8/06 of Kothamangalam Excise Range for offences punishable under sections 55(a) and 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 15 litres of arrack and distilling apparatus at about 10.30 PM on 22.1.2006 near the banks of Inchathotti river and who was subsequently arrested on 7.2.2007, seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner who was identified on the date of detection made good his escape on seeing the Excise party.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-